Notice to Federal Award Recipients – Whistleblower Protection Requirements

The National Defense Authorization Act, P.L. 112-239 (PDF) (NDAA) for Fiscal Year 2013 established a four-year pilot program for the enhancement of contractor and subcontractor employee protections from reprisal for disclosure of, “information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.” ¹

Specifically, Section 828(a) of the NDAA, Pilot Program for Enhancement of Contractor Employee Whistleblower Protections, provides that, “An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing the aforementioned types of information to:

(a) A Member of Congress or a representative of a committee of Congress.
(b) An Inspector General.
(c) The Government Accountability Office.
(d) A Federal employee responsible for contract or grant oversight or management at the relevant agency.
(e) An authorized official of the Department of Justice or other law enforcement agency.
(f) A court or grand jury.
(g) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.” ²

The pilot program also establishes a new process for review of whistleblower reprisal complaints alleged by employees of contractors, subcontractors, and grantees, “A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved.” ³

Procedures for submitting fraud, waste, abuse, and whistleblower complaints are generally accessible on agency Office of Inspector General (OIG) Hotline or Whistleblower Internet sites, such as these:

- Department of Health and Human Services: [https://forms.oig.hhs.gov/hotlineoperations/](https://forms.oig.hhs.gov/hotlineoperations/)
- National Institutes of Health: [http://oma.od.nih.gov/public/DPI/Pages/default.aspx](http://oma.od.nih.gov/public/DPI/Pages/default.aspx)

¹ Federal Statute: 41 U.S.C. § 4712, Sec. 828(a)

² Ibid, Sec. 828(a)

³ Ibid, Sec. 828(b)(1)